

United States District Court

WESTERN DISTRICT OF WASHINGTON

DAVID BEACHEM

JUDGMENT IN A CIVIL CASE

v.

JACK BRAMBAUGH

CASE NUMBER: C11-5435RJB

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

The Court adopts the Report and Recommendation; and

This action is **DISMISSED WITH PREJUDICE** for failure to state a claim. Defendant's alleged use of abusive language, no matter how offensive, does not rise to the level of a constitutional violation. This dismissal counts as a strike pursuant to 28 U.S.C. §1915(e)(2). *In forma pauperis* status is revoked for purposes of appeal.

November 22, 2011
Date

WILLIAM M. McCOOL
Clerk

s/CM Gonzalez
Deputy Clerk